THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.21154 OF 1997

DATED: 07-03-2007

Between:

M. Ravishankar and others

.. Petitioners

and

The Executive Engineer (SCD),
A.P.S.R.T.C., Warangal and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.21154 OF 1997

ORDER:

This writ petition is filed seeking a mandamus to direct the respondents to follow the principle of "Equal work for Equal pay" as enunciated by the Supreme Court of India in various Judgments, and consequently to declare the action of the 4th respondent in paying minimum time scale to some of the N.M.Rs and not paying the same to others, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

It is the case of the petitioners, who are working as N.M.Rs. in A.P.S.R.T.C. Karimanagar Division, that they are being continued on daily wages without paying regular time scale of pay applicable to regular Man Mazdoor. The petitioners are performing the same duties as other regular employees of A.P. State Road Transport Corporation (for short 'A.P.S.R.T.C.'), but they are not being paid regular pay on par with regular Man Mazdoor. In similar writ petition i.e. W.P.No.18231 of 1996 filed by some of the N.M.Rs of Tirupathi Region for payment of regular time scale of pay, this Court, vide order dated 13.08.1996 in W.P.M.P.No.22480 of 1996, had directed the A.P.S.R.T.C. authorities to pay regular time scale of pay to them on par with man Mazdoor. Pursuant to the said order, the Regional Manager, Tirupathi, vide letter dated 20.05.1997, issued orders paying regular scale of pay/minimum time scale of pay with usual allowances. This is also being followed in the other regions of A.P.S.R.T.C., but whereas the petitioners are not being paid minimum time scale of pay on par with others.

A detailed counter-affidavit has been filed on behalf of the respondents. It is asserted in the counter-affidavit that the petitioners were not appointed by A.P.S.R.T.C. and therefore the question of payment of regular scales of pay to them does not arise. The practice in vogue in Civil Engineering Department of A.P.S.R.T.C. is that the technical and non-technical persons wherever and whenever required on the site of work are being engaged through Agencies, mainly through the Registered Contractors of A.P.S.R.T.C., who are maintaining some labour. The rates of payment allowed are those approved by CCE.II for technical and non-technical personnel. The personnel so hired are engaged to assist the Site Engineers on the work site and no original job is being entrusted to them. As such, they were not considered to be employees of A.P.S.R.T.C. Except the 4th petitioner, all other petitioners are not appointed by A.P.S.R.T.C. and therefore, the question of regularization and payment of wages on time scale to them does not arise. They are not entitled for regularization as per the guidelines given in P.D.No.81 of 1991 dated 26.09.1991.

Heard both sides.

From the above, it is clear that the petitioners, except the 4th petitioner, are being engaged through Contractors and, hence, they are being paid by the Contractor or through the Contractor. They are not engaged as N.M.Rs by the A.P.S.R.T.C. directly. In respect of those who were engaged by the A.P.S.R.T.C. directly, as per the guidelines in P.D.No.81 of 1991 dated 26.09.1991, either their services were regularized or they are being paid salary on par with other Man Mazdoor engaged by the A.P.S.R.T.C. Therefore, this writ petition is misconceived and devoid of merits, and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

C.V. RAMULU, J

7th March, 2007.

IBL

-

-

-

-

-